

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Qualcomm Incorporated Petition for) WT Docket No. 05-7
Declaratory Ruling)

ORDER ON RECONSIDERATION

Adopted: November 17, 2009

Released: November 18, 2009

By the Commission:

1. In this Order on Reconsideration, we dismiss as moot the Petition for Reconsideration and/or Clarification filed by the Association for Maximum Service Television, Inc. (“MSTV”)¹ of the Commission’s Order (“Qualcomm Order”)² regarding a Petition for Declaratory Ruling filed by Qualcomm Incorporated (“Qualcomm”).³ In the Qualcomm Order, the Commission clarified certain rules to accelerate deployment of Qualcomm’s MediaFLO service in the 700 MHz Band prior to the end of the digital television (“DTV”) transition⁴ and, via waiver, granted Qualcomm a *de minimis* interference exception which permitted interference to incrementally increase each year from the release of the Qualcomm Order until the end of the DTV transition.⁵

2. The DTV transition period ended on June 12, 2009.⁶ The provisions of the Qualcomm Order were only applicable until the end of the DTV transition period, and thus are no longer in effect. Accordingly, we dismiss MSTV’s petition as moot.

¹ Petition for Reconsideration and/or Clarification of the Association for Maximum Service Television, Inc., WT Docket No. 05-7 (filed Nov. 13, 2006) (“MSTV Petition”). We note that Pappas Southern California License, LLC filed comments in support of the MSTV Petition. Comments of Pappas Southern California License, LLC in Support of Petition for Reconsideration and/or Clarification of the Association for Maximum Service Television, Inc., WT Docket No. 05-7 (filed Nov. 22, 2006).

² Qualcomm Incorporated Petition for Declaratory Ruling, *Order*, 21 FCC Rcd 11683 (2006).

³ Qualcomm Incorporated Petition for Declaratory Ruling, WT Docket No. 05-7 (filed Jan. 10, 2005).

⁴ The Qualcomm Order declared that Office of Engineering and Technology Bulletin No. 69 (OET-69) methodology, with certain modifications, can be used to demonstrate the compliance of Qualcomm’s MediaFLO system with the section 27.60(b)(1)(iii) requirements that 700 MHz licensees protect incumbent TV/DTV broadcasters. Qualcomm Order, 21 FCC Rcd at 11691-95 ¶¶ 16-23. OET-69 is an engineering methodology developed to evaluate TV coverage and interference, using predictions of radio field strength at specific geographic points while accounting for the terrain between the transmitter and each specific reception point.

⁵ Qualcomm Order, 21 FCC Rcd at 11696-99 ¶¶ 27-32.

⁶ DTV Delay Act, Pub. L. No. 111-4, 123 Stat. 112 (2009).

3. Accordingly, IT IS ORDERED that, pursuant to the authority in sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 405, and section 1.106 of the Commission's rules, 47 C.F.R. § 1.106, the Petition for Reconsideration and/or Clarification filed by the Association for Maximum Service Television, Inc. IS DISMISSED AS MOOT.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary